

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
INDIANA

BILL NO. R-87-11-4

RESOLUTION NO. R- 79-87

**A RESOLUTION AUTHORIZING THE CITY OF FORT WAYNE, INDIANA, TO SUPPLEMENT AND AMEND THE INDENTURE OF TRUST AND THE LOAN AGREEMENT PREVIOUSLY EXECUTED RELATING TO ITS CITY OF FORT WAYNE, INDIANA, FLOATING RATE WEEKLY DEMAND INDUSTRIAL DEVELOPMENT REVENUE BONDS (WAYNE COLISEUM PROJECT), SERIES 1985.**

WHEREAS, the City of Fort Wayne, Indiana, is a "unit" as such is defined by Indiana law and is authorized by I.C. #36-7-11.9-1 and 36-7-12-1 et seq. (the "Act") to issue bonds for the purposes described in the Act; and

WHEREAS, at the request of WAYNE COLISEUM LIMITED PARTNERSHIP, a limited partnership organized and existing under the laws of the State of Indiana (the "Company"), the CITY OF FORT WAYNE, INDIANA (the "Issuer") did on December 26, 1985, issue its Floating Rate Weekly Demand Industrial Development Revenue Bonds (Wayne Coliseum Project), Series 1985 (the "Bonds") in the aggregate principal amount of \$6,200,000; and

WHEREAS, the Bonds were issued pursuant to an Indenture of Trust, dated as of December 1, 1985 (the "Indenture") between the Issuer, the Texas Commerce Bank National Association, as Trustee (the "Trustee") and Fort Wayne National Bank, as Co-Trustee (the "Co-Trustee"); and

WHEREAS, the Issuer loaned the proceeds of the Bonds to the Company pursuant to the terms of a Loan Agreement, dated as of December 1, 1985, between the Issuer and the Company (the "Agreement"); and

WHEREAS, to enhance the marketability of the Bonds, the Company caused Republic National Bank of New York ("Republic") to issue to the Trustee, for the account of the Company, an irrevocable letter of credit to secure the Bonds (the "Republic Letter of Credit") in the amount of \$6,398,740, of which \$6,200,000 is available to pay principal of the Bonds either at maturity or upon acceleration or redemption thereof or to pay the portion of the purchase price of the Bonds representing the principal amount thereof, and of which \$198,740 is available to pay interest on the Bonds as interest becomes due or to pay the portion of the purchase price of the Bonds representing the accrued interest; and

WHEREAS, the Company and Republic have heretofore entered into a Letter of Credit Agreement, dated as of December 1, 1985 (the "Original Letter of Credit Agreement"), setting forth, inter alia, the terms and conditions for the issuance of the Republic Letter of Credit and the Company's reimbursement obligation with respect thereto; and



WHEREAS, the Indenture and the Agreement permit the Company to deliver to the Trustee an Alternate Letter of Credit in substitution for the Republic Letter of Credit, and the Company has asked the First National Bank of Minneapolis ("First Bank") to issue an Alternate Letter of Credit and The Sumitomo Bank Limited, San Francisco Branch ("Sumitomo"), to issue a Confirming Letter of Credit (the "Confirming Letter of Credit") confirming the obligations of First Bank under First Bank's Alternate Letter of Credit, each to be delivered to the Trustee for the account of the Company; and

WHEREAS, in order to accomplish the replacement of the Republic Letter of Credit by First Bank's Alternate Letter of Credit and Sumitomo's Confirming Letter of Credit, the Issuer is required to appear as a party signatory to the Supplemental Indenture and the Amendment to Loan Agreement which will be executed in connection with the replacement;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. The substantially final forms of the Supplemental Indenture and the Amendment to Loan Agreement have been presented to this meeting, are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In

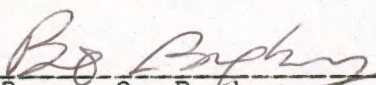
accordance with I.C. 36-1-5-4, two (2) copies of all such documents are on file in the office of the Clerk for public inspection.

SECTION 2. The Mayor and the Clerk are authorized and directed to execute and attest and affix or imprint by any means the City Seal to the documents constituting the Supplemental Indenture and the Amendment to Loan Agreement and any other documents which may be necessary or desirable to consummate the transaction, and may approve such changes in the Supplemental Indenture, and the Amendment to loan Agreement and such other documents as they may deem necessary or advisable.

SECTION 3. This Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

  
COUNCILMEMBER

Approved as to Form and Legality  
this 9<sup>th</sup> day of November, 1987.

  
Bruce O. Boxberger, City Attorney



Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. Stark,  
seconded by Stevens, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 11-10-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 03-79-87  
on the 10th day of November, 1987.

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 12th day of November, 1987,  
at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of November,  
1987, at the hour of 10<sup>12</sup> o'clock A.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



BILL NO. R-87-11-11

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) AUTHORIZING THE CITY

OF FORT WAYNE, INDIANA, TO SUPPLEMENT AND AMEND THE INDENTURE OF

TRUST AND THE LOAN AGREEMENT PREVIOUSLY EXECUTED REALTING TO ITS

CITY OF OFRT WAYNE, INDIANA, FLOATING RATE WEEKLY DEMAND

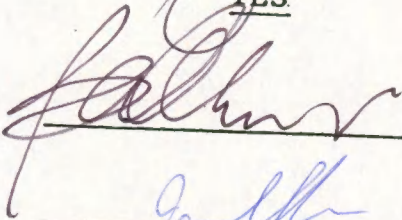
INDUSTRIAL DEVELOPMENT REVENUE BONDS (WAYNE COLISEUM PROJECT);

SERIES 1985

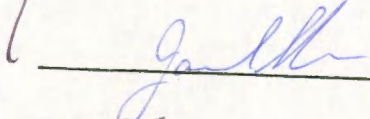
HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ~~(ORDINANCE)~~  
(RESOLUTION)

YES

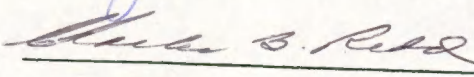
NO



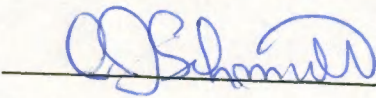
BEN A. EISBART  
CHAIRMAN



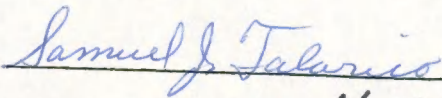
JAMES S. STIER  
VICE CHAIRMAN



CHARLES B. REDD



DONALD J. SCHMIDT



SAMUEL J. TALARICO

CONCURRED IN 11-10-87

SANDRA E. KENNEDY  
CITY CLERK